

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

UNITED STATES OF AMERICA

VS.

DENIEL GARCIA,

Defendant

NO. 5: 07-MJ-02-11 (CWH)

VIOLATIONS: Fraud Related

ORDER OF DETENTION PENDING TRIAL

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a DETENTION HEARING was this day held in the above-captioned case before the undersigned. The defendant was represented by Mr. John Francisco of the Macon Bar; the United States was represented by Assistant U. S. Attorneys George Christian and Tamara Jarrett. Based upon the evidence presented to the court and the contents of the Pretrial Service Report dated February 26, 2007, as well as argument and comments of counsel, I conclude that the following facts require the detention of the defendant pending the trial of this case

PART I - FINDINGS OF FACT

- ☐ (1) There is PROBABLE CAUSE to believe that the defendant has committed an offense
- ☐ for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act.
- ☐ under 18 U.S.C. §924(c).
- ☐ (2) The defendant has not rebutted the presumption established by finding (1) that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

ALTERNATIVE FINDINGS

- ☒ (1) There is a serious risk that the defendant will not appear.
- ☐ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

PART II - WRITTEN STATEMENT OF REASONS FOR DETENTION

Applying the factors set forth in 18 U.S.C. §3142(g), I find that the evidence presented at the DETENTION HEARING, as supplemented by information contained in the Pretrial Services Report of the U. S. Probation Office dated February 26, 2007, establishes by clear and convincing evidence that no condition or combination of conditions set forth in 18 U.S.C. §3142(c) will reasonably assure the future appearance of defendant GARCIA were he to be released from custody at this time. The offenses charged against the defendant are serious ones for which long-term imprisonment may be imposed in the event of a conviction after trial or a plea of guilty. The weight of evidence is strong; defendant GARCIA and NISSIEL VALDES LLERAS were arrested following a traffic stop on I-75, and numerous counterfeit credit cards and receipts indicating purchases made therewith were found in the vehicle in which they were the sole occupants. Evidence indicates that both had made fraudulent purchases at Wal-Marts in Valdosta, Tifton, and Cordele, Georgia.

Defendant GARCIA has no ties to the Middle District of Georgia. He has ties to both South Florida and Cuba. He has been in the United States for some nine years. The nature of the offenses charged is such that it is the view of the undersigned that the defendant poses a serious risk of flight due to his possession of a counterfeit driver's license and other documents indicating assumption of other identities.

For the foregoing reasons, pretrial detention is mandated and is **SO ORDERED AND DIRECTED**.

PART III - DIRECTIONS REGARDING DETENTION

The defendant is hereby committed to the custody of the Attorney General of the United States or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant sVALDES LLERAS be afforded reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility sVALDES LLERAS deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED, this 2nd day of MARCH, 2007.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE